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Applicants respectfully disagree that this is common, or inherent, and applicants respectfully request that the Examiner cite at least one reference that supports the Examiner's assertion (and give applicants an opportunity to respond), or withdraw the rejection.

Substantively, applicants respectfully submit that it is the situation that is opposite from what the Examiner asserts, where the user is authenticated to the server, rather than the server being authenticated to the user, that is the common situation. That is, what is common is that a user logs into the server, the server asks for an ID and a password, and only if both the ID and the password are acceptable to the server, communication proceeds.

This is also the situation that, effectively, is found in the Reed III reference that was addressed in the previous Office action response. That is, what effectively happens in Reed III is an authentication of the mobile unit. The reason for using the word "effectively" in the above two sentence is because authentication is not the goal. The process described in FIGS. 2 and 3 of the Reed III reference is one where a session key is to be changed in a mobile unit, and it is desired to confirm that the key was changed properly. Only when the key is determined to have been changed properly will the home CGSA agree to communicate with the mobile unit (in the case of FIG. 2) or authorize a visited CGSA to communicate with the mobile unit (in the case of FIG. 3). Since each mobile unit is unique in the sense that it has a given ESN and a given agreed-to encryption key, the fact that the session key was changed properly authenticates the mobile unit. There is nothing described or suggested in the Reed III reference to suggest that the mobile unit might refuse to communicate with the home CGSA or the visited CGSA, regardless of the outcome of step 104 in the mobile unit. Stated differently, there is nothing to suggest that the home or the visited CGSAs are authenticated.

At page 3 of the current Office action the Examiner states that "the prior art rejections can be found in the earlier Office action." Respectfully, that does not rebut applicants' 35 USC 102 arguments relative to independent claim 1 (vis-à-vis the Reed III reference) or relative to claim 34 (vis-à-vis the Weinstein US Patent 6,094,485 reference) that were presented in the remarks of the last Office action response.

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Claims 2-11 and 35-39 depend on claim 34. The references that have been applied to these claims, in addition to the Weinstein et al reference, are US Patent 6,675,215 issued to Qaustrano et al and US Patent 6,681,327 issued to Jardin. The Quatrano et al is cited for its teaching of voice communication between the user and the network, and the Jardin reference is cited for its teaching of a destination device obtaining a public key. Neither of these references supply a teaching relative to the claim 34 limitations that are not taught by Weinstein et al, or even asserted to be supplying such teaching. Consequently, the combination of Weinstein et al, Quantrano et al and Jarin does not render claims 2-11 and 35-39 obvious.

As for claim 12, there is some confusion in the vacated Final Office Action of 7/21/2004 within the statement is made that "Reed discloses apparatus..." but thereafter references are made solely to the Weinstein reference. Applicants' response was characterized in terms of the claim having been rejected over the Weinstein reference (applicants effectively assuming that the initial summary statement was in error), and traversed the rejection. Neither the assumption nor the traversal have not been challenged by the Examiner and, therefore, the traversal stands un-rebutted.

Thus, it is respectfully submitted that the Examiner's simple statement that "the prior art rejections can be found in the earlier Office Action" is simply not appropriate. Applicants respectfully request that the Examiner explain what the Examiner finds unpersuasive in applicants' earlier arguments, or allow the claims.

In light of the above remarks, applicants respectfully submit that all of the Examiner's rejections have been overcome and the claims should be allowed. In the alternative, it is respectfully submitted that the Examiner needs to cite one or more

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references in support of his "common" and "inherent" argument and afford applicants an opportunity to respond.

Respectfully,
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Dated: 9/13/05

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